

SECOND REGULAR SESSION

HOUSE BILL NO. 1816

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SELBY.

Read 1st time February 6, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4210L.011

AN ACT

To repeal section 320.094, RSMo, and to enact in lieu thereof two new sections relating to the fire education fund, with a referendum clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 320.094, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 144.026 and 320.094, to read as follows:

144.026. In addition to the sales tax imposed pursuant to section 144.020, an additional tax of two percent is hereby levied and imposed on the amount of sales at retail of all fireworks regulated pursuant to sections 320.106 to 320.161, RSMo. The revenue derived from the two percent tax rate imposed pursuant to this section shall be deposited in the fire education fund and used exclusively for purposes authorized in section 320.094, RSMo.

320.094. 1. The state treasurer shall annually transfer an amount prescribed in subsection 2 of this section out of the state revenues derived from premium taxes levied on insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, **or the state revenues derived from the state portion of sales tax levied pursuant to sections 144.010 to 144.525, RSMo, on sales of fireworks regulated by sections 320.106 to 320.161,** in a fund hereby created in the state treasury, to be known as the "Fire Education Fund". Any interest earned from investment of moneys in the fund shall be credited to the fund. The state treasurer shall administer the fund, and the moneys in such fund shall be used solely as prescribed in this section. Notwithstanding the provisions of section 33.080, RSMo, to the

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 contrary, moneys in the fire education fund at the end of any biennium shall not be transferred
12 to the credit of the general revenue fund.

13 2. Beginning July 1, 1998, **until June 30, 2003**, three percent of the amount of premium
14 taxes collected in the immediately preceding fiscal year pursuant to sections 148.310 to 148.461,
15 RSMo, which are deposited in the general revenue fund that exceeds the amount of premium
16 taxes which were deposited in the general revenue fund in the 1997 fiscal year shall be
17 transferred from the general revenue fund to the credit of the fire education fund. At the end of
18 each fiscal year, the commissioner of administration shall determine the amount transferred to
19 the credit of the fire education fund in each fiscal year by computing the premium taxes
20 deposited in the general revenue fund in the prior fiscal year and comparing such amount to the
21 amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year. An
22 amount equal to three percent of the increase computed pursuant to this section shall be
23 transferred by the state treasurer to the credit of the fire education fund; however, such transfer
24 in any fiscal year shall not exceed one million five hundred thousand dollars.

25 3. **Beginning July 1, 2003, all state revenues derived from the state portion of sales**
26 **tax levied pursuant to sections 144.010 to 144.525, RSMo, on sales of fireworks regulated**
27 **pursuant to sections 320.106 to 320.161, shall be transferred from the general revenue fund**
28 **to the credit of the fire education fund. The commissioner of administration shall make**
29 **such transfer at the end of each fiscal year.**

30 4. There is hereby established a special trust fund, to be known as the "Missouri Fire
31 Education Trust Fund", which shall consist of all moneys transferred to the fund from the fire
32 education fund pursuant to this subsection and any earnings resulting from the investment of
33 moneys in the fund. Each fiscal year, an amount equal to forty percent of the moneys transferred
34 to the fire education fund shall be transferred by the state treasurer to the credit of the Missouri
35 fire education trust fund. The fund shall be administered by a board of trustees, consisting of the
36 state treasurer, two members of the senate appointed by the president pro tem of the senate, two
37 members of the house of representatives appointed by the speaker of the house, and two
38 members appointed by the governor with the advice and consent of the senate. Any member
39 appointed due to such person's membership in the senate or house of representatives shall serve
40 only as long as such person holds the office referenced in this section. The state treasurer shall
41 invest moneys in the fund in a manner as provided by law. Subject to appropriations, moneys
42 in the fund shall be used solely for the purposes described in this section, but such appropriations
43 shall be made only if the board recommends to the general assembly that such moneys are
44 needed in that fiscal year to adequately fund the activities described in this section. Moneys shall
45 accumulate in the trust fund until the earnings from investment of moneys in the fund can
46 adequately support the activities described in this section, as determined by the board. At such

47 time, the board may recommend that the general assembly adjust or eliminate the funding
48 mechanism described in this section. Notwithstanding the provisions of section 33.080, RSMo,
49 to the contrary, moneys in the Missouri fire education trust fund at the end of any biennium shall
50 not be transferred to the credit of the general revenue fund.

51 [4.] 5. The moneys in the fire education fund, after any distribution pursuant to
52 subsection [3] 4 of this section, shall be distributed to the University of Missouri Fire & Rescue
53 Training Institute and the institute shall use the moneys received [under] **pursuant to** this
54 subsection to coordinate education needs in cooperation with community colleges, colleges,
55 regional training facilities, and universities of this state and shall provide training and continuing
56 education to firefighters in this state relating to fire department operations and the personal safety
57 of firefighters while performing fire department activities. Programs and activities funded
58 [under] **pursuant to** this subsection must be approved by the Missouri fire education
59 commission established in subsection [5] 6 of this section. These funds shall primarily be used
60 to provide field education throughout the state, with not more than two percent of funds under
61 this subsection expended on administrative costs.

62 [5.] 6. There is established the "Missouri Fire Education Commission", to be domiciled
63 in the division of fire safety within the department of public safety. The commission shall be
64 composed of five members appointed by the governor with the advice and consent of the senate,
65 consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one
66 full-time firefighter employed by a recognized fire department or fire protection district, one
67 firefighter training officer, one person serving as the chief of a volunteer fire protection
68 association, and one chief fire officer from a recognized fire department or fire protection
69 district. No more than three members appointed by the governor shall be of the same political
70 party. The terms of office for the members appointed by the governor shall be four years and
71 until their successors are selected and qualified, except that, of those first appointed, two shall
72 have a term of four years, two shall have a term of three years and one shall have a term of two
73 years. There is no limitation on the number of terms an appointed member may serve. The
74 governor may appoint a member for the remaining portion of the unexpired term created by a
75 vacancy. The governor may remove any appointed member for cause. The members shall at
76 their initial meeting select a chairman. All members of the commission shall serve without
77 compensation for their duties, but shall be reimbursed for necessary travel and other expenses
78 incurred in the performance of their official duties. The commission shall meet at least quarterly
79 at the call of the chairman and shall review and determine appropriate programs and activities
80 for which funds may be expended under subsection [4] 5 of this section.

Section B. Section A of this act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall be held and

3 conducted on the Tuesday immediately following the first Monday in November, 2002, or at a
4 special election to be called by the governor for that purpose, pursuant to the laws and
5 constitutional provisions of this state applicable to general elections and the submission of
6 referendum measures by initiative petition, and it shall become effective when approved by a
7 majority of the votes cast thereon at such election and not otherwise.